IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

LA.App..No. 355 of 2004()

LAR.211/1994 of III ADDL.SUB COURT, ERNAKULAM
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APPELLANT: CLAIMANT.

P.V.IBRAHIM, S/O.VEERAN KUTTY,
PULIKKAYATH HOUSE, CHANGAMPUZHA NAGAR P.O.
SOUTH KALAMASSERY, ERNAKULAM DISTRICT.

BY ADV. SRI.K.J.KURIACHAN
SRI.SUJITH MATHEW

RESPONDENTS: RESPONDENT.

STATE OF KERALA, REP. BY DISTRICT
COLLECTOR, ERNAKULAM.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.355 of 2004

Dated 24th September, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is directed against the judgment and decree in LAR 211/94 on the file of the III Additional Sub Court, Ernakulam. The extent involved is only 1.90 Ares. The acquisition is for widening the National Highway. It is seen that in respect of a similar property covered by LAR 120/93, the reference court has fixed the land value at the rate of Rs.98,800/- per Are. However, what was produced before the reference court was copy of another judgment in LAR 120/94, which pertains to acquisition for Periyar Valley Irrigation Project. Having gone through the judgment in LAR 120/93, we are satisfied that the property of the petitioner is similar and similarly situated as that of the property covered by LAR 120/93. Though the learned counsel strenuously contended on the value of improvements in the property, apart from the oral evidence, there is no independent evidence for the same. Therefore, we partly allow the appeal, refix the land value at Rs.98,800/- per Are, the value that has been granted to the

property covered by LAR 120/93. The appellant will also be entitled to all consequential and eligible statutory benefits.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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KURIAN JOSEPH &

HARUN-UL-RASHID, JJ

L.A.A. NO. OF 200

J U D G M E N T

Dated 24th September, 2007.